

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

AGA Medical Corp.,	)	
	)	
Plaintiff,	)	No. 0:10-cv-03734-JNE-JSM
	)	
v.	)	
	)	
W. L. Gore & Associates, Inc.,	)	
	)	
Defendant.	)	
	)	

**DECLARATION OF R.J. ZAYED**

I, R.J. Zayed, hereby declare as follows:

1. I am an attorney with the law firm of Carlson, Caspers, Vandenburg, Lindquist & Schuman, P.A., counsel for plaintiff AGA Medical Corporation (“AGA”) in the above-referenced action. This declaration is submitted on behalf of AGA in support of its Objections to the Order Denying Its Motion to Amend the Complaint. This declaration is made on my own personal knowledge, except as otherwise indicated.

2. Attached hereto as Exhibit A is a true and correct copy of an email from Jared Briant to me, dated October 9, 2012.

3. Attached hereto as Exhibit B is a true and correct copy of an email from Sam Lockner to Jared Briant, dated October 15, 2012.

4. Gore's counsel, James Poradek, first raised the issue of whether AGA was willing to agree to a joint motion for extension of time in which to disclose expert reports in a telephone conversation with me on October 8, 2012.

5. Mr. Poradek's stated reason for the extension in the October 8, 2012 telephone call was the need for more time to avoid holiday conflicts.

6. I first informed Mr. Poradek that AGA was withdrawing claims 20, 25, and 27 on October 9, 2012. By that time Mr. Poradek had already raised the issue of possibly seeking an extension of time in which to disclose expert reports.

I state under penalty of perjury that the foregoing is true and correct.

Dated: October 19, 2012

s/ R.J. Zayed

R.J. Zayed